

September 8, 2017

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Postal Regulatory Commission
901 New York Avenue NW, Suite 200
Washington, DC 20268-0001

Re: Postal Service Motion to Dismiss
Rio Nido Post Office, Rio Nido, California
Docket No. A2017-2

Dear Commissioners:

I am in receipt of the Postal Regulatory Commission decision dated September 1, 2017.

As noted at page 8 of the concurring opinion:

“In summary, the question before the Commission is whether to grant the Postal Service’s Motion to Dismiss.”

The Commission deadlocked on the Motion to Dismiss. A tie vote, however, does not result in an affirmation. Instead, it results in no action at all. This is a centuries-old rule which is followed by the Supreme Court of the United States, and all the courts of the United States. Thus, the record should reflect that the Motion to Dismiss was not granted.

A reasonable possibility exists that something may change. By way of example, additional information can be provided in response to matters set forth in the September 1, 2017 deadlock. At a minimum, the public representative should be allowed an opportunity to provide further comment. Petitioners and additional interested parties should also be allowed to provide further comment, and to ask further questions, just as the Commission itself did. For example:

1. Two Commissioners state that no one in the Rio Nido zip code receives mail at their business or residence. This is incorrect. At least one business in the Rio Nido zip code receives their mail at the business.
2. Two Commissioners state that the Guerneville box is free. This is not the case for residents who need to take a bus or taxi to retrieve their mail.
3. The Commission does not address the question of whether the Rio Nido Post Office is the sole source of delivery for the disabled.

4. The Commission does not address the zip code question. Will Rio Nido residents be entitled to better delivery if the County merges their zip code with Guerneville?
5. The Commission does not address the Rio Nido Road question. May Rio Nido residents place mail boxes on the favored side of Rio Nido Road?
6. Whether another basis exists for jurisdiction.

Many additional facts and questions may also be raised in light of the Commission's deadlock which may influence a further vote.

Finally, given the concerns addressed in the decision and two opinions, the Postal Service should be encouraged to engage in meaningful mediation to address the concerns of the Commission, the residents, elected officials, and the public representative about the glaring deficiencies and inequities in Rio Nido delivery.

Sincerely,

/s/ Joseph Baxter

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